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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,625	10/11/2001	Robert E. Haines	10007584-1	1659

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EXAMINER	
LETT, THOMAS J	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,625	HAINES ET AL.	
	Examiner	Art Unit	
	Thomas J. Lett	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 May 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show Figure 7, S61 thru S68, and P6 as described in the specification.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "computer instruction signal embodied in the carrier wave" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: the Specification mentions and describes Fig. 7, yet there is no corresponding drawing.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 21-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed towards non-statutory subject matter.

If the signal claim is interpreted as an abstract arrangement "to be transmitted", or as a transmission in transit, rather than a physical signal statically embedded in a physical computer readable medium, the signal claim is considered non-statutory. A signal is insubstantial and therefore neither concrete, nor tangible. It is a fluctuating electric quantity that is characterized by changes in the level of an attribute, such as voltage or current, at a given point. A signal in transmission is none of a process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. It is information transmitted as energy, encoded to endow it with intelligible patterns for subsequent interpretation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (USPN 6,430,711 B1) in view of Manchala et al (USPN 6,405,178 B1).

With respect to claim 1, Sekizawa discloses a method of responding to a status change for a peripheral device comprising:

determining that a status change has occurred in the peripheral device (agent unit 10 gets status information of each network printer, col. 19, lines 23-24); and

combining a unique device identifier relevant to the peripheral device with the status change to form an electronic message (see Fig. 22 which shows an email format including an ID (e.g., a serial number)). Sekizawa does not disclose transmitting the electronic message across a firewall.

Manchala et al discloses using email filtering techniques in order that unapproved vendors cannot penetrate the network (i.e., firewall), col. 2, line 61- col. 3, line 11). Sekizawa and Manchala et al are analogous art because they are from the similar problem solving area of email delivery. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the email filtering feature of Manchala et al to the email application of Sekizawa in order to obtain a

method of allowing a message to be delivered through a firewall. The motivation for doing so would be to restrict delivery to approved users of a service.

With respect to claim 2, Sekizawa does not disclose a method of claim 1, wherein determining comprises determining that an order toner condition exists in a hard copy output engine.

Manchala et al discloses that when the printer toner is low or needs to order toner, it sends an event to the notification service that the particular item needs immediate replacement, col. 4, lines 16-21).

Sekizawa and Manchala et al are analogous art because they are from the similar problem solving area of network management. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the ordering feature of Manchala et al to the network monitoring of Sekizawa in order to obtain a method of ordering consumables. The motivation for doing so would be to supply devices when necessary.

With respect to claim 3, Sekizawa does not disclose a method of claim 1, wherein determining comprises determining that an order toner condition exists in a hard copy output engine.

Manchala et al discloses that when the printer toner is low or needs to order toner, it sends an event to the notification service that the particular item needs immediate replacement, col. 4, lines 16-21).

Sekizawa and Manchala et al are analogous art because they are from the similar problem solving area of network management. At the time of the invention, it

would have been obvious to a person of ordinary skill in the art to add the ordering feature of Manchala et al to the network monitoring of Sekizawa in order to obtain a method of ordering consumables. The motivation for doing so would be to supply devices when necessary.

With respect to claim 4, Sekizawa discloses a method of claim 1, wherein combining comprises combining the status change with a unique device identifier chosen from a group consisting of:

a predetermined account number associated with the peripheral device, a serial number associated with the peripheral device, a vendor email address associated with the peripheral device or a universal resource locator for a web address for a vendor associated with the peripheral device (see email format of Fig. 22).

With respect to claim 5, Sekizawa discloses a method of claim 1, wherein transmitting comprises transmitting an electronic message to a vendor of consumables and services relevant to the peripheral device (see email format of Fig. 22).

With respect to claim 6, Sekizawa discloses a method of claim 1, wherein the peripheral device is chosen from a group consisting of: facsimile machines, photocopiers and printers (network-compatible machines such as network printers are to be monitored, col. 3, lines 44-53. Examiner also notes that fax machines are used on the network, and MFPs serving as copiers would also be able to function within a selection group of peripherals).

With respect to claim 7, Sekizawa discloses a method of claim 1, wherein determining that a status change has occurred comprises determining that a usage

threshold indicative of need for preventive maintenance has been met (based on an abnormal condition, an operator can use the integrated monitor unit to determine the area in which the machine requiring a supply or maintenance is installed, and can efficiently deliver the supply, dispatch maintenance personnel, etc., col. 7, lines 57-62).

Claim 8, an article of manufacture claim, is rejected for the same reasoning as that of claim 1.

Claim 9, an article of manufacture claim, is rejected for the same reasoning as that of claim 2.

Claim 10, an article of manufacture claim, is rejected for the same reasoning as that of claim 3.

Claim 11, an article of manufacture claim, is rejected for the same reasoning as that of claim 4.

Claim 12, an article of manufacture claim, is rejected for the same reasoning as that of claim 5.

Claim 13, an article of manufacture claim, is rejected for the same reasoning as that of claim 6.

Claim 14, an article of manufacture claim, is rejected for the same reasoning as that of claim 7.

With respect to claim 15, Sekizawa discloses computer implemented control system (col. 19, lines 57-62, and see Fig. 2) a memory (hard disk 38) configured to store a software module (an agent program 10); and processing circuitry (CPU 30) configured to employ the software module to:

determine that a status change has occurred in the peripheral device; combine a unique device identifier relevant to the peripheral device with the status change to form an electronic message; and transmit the electronic message across a firewall (see reasoning used for claim 1).

Claim 16, computer implemented control system claim with a memory (hard disk 38) configured to store a software module (an agent program 10); and processing circuitry (CPU 30) configured to employ the software module to, is rejected for the same reasoning as that of claim 2.

Claim 17, computer implemented control system, is rejected for the same reasoning as that of claim 7.

Claim 18, computer implemented control system, is rejected for the same reasoning as that of claim 4.

Claim 19, computer implemented control system, is rejected for the same reasoning as that of claim 6.

Claim 20, computer implemented control system, is rejected for the same reasoning as that of claim 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL

KAWilliams

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER